

The Chair, Lloyd Sullivan at 7:00pm called the regularly scheduled Selectmen's meeting to order. Those present included Jenifer Landman, George Lagassa (Selectmen) and Russell McAllister (Town Administrator).

Mark Weatherbee & other Abutters to 187 Lafayette Road

Discussion of concerns and complaints associated w/activities on 187 Lafayette Road

Mr. Weatherbee addressed the Board over his concerns regarding the activities on the above referenced property. Mr. Weatherbee explained that he was an abutter to the property and resided in the New Hampshire Mobile Home Park in the southwest corner of the park. Mr. Weatherbee noted that the noise from heavy equipment operations were a nuisance particularly because operations began so early in the morning—from 6:15 am onwards. The early morning operations often interrupted the park residents' sleep. Another concern Mr. Weatherbee addressed was the dust and dirt pollution. He noted that the wind carried the dust from the operation all over the park. This was troubling because of the uncertainty of the composition and environmental quality of the dirt/soil that was being processed. The sheer quantity of the material and its unknown quality were both serious safety issues explained Mr. Weatherbee. Mr. Weatherbee asked what position the Board of Selectmen were taking in regards to this issue. Ms. Landman explained that she was the ex officio member to the planning board. Ms. Landman explained that she had voted against approval, but that the approval was now being appealed and therefore there was some constraint in now publicly discussing the details of the case which in litigation. Mr. Hermans (Town Attorney for this issue) explained that there were several cases; Jim Jones v Giant Lift (ZBA), and Giant Lift v North Hampton Planning (PB). The two cases were slightly different because review of ZBA decisions was limited whereas review of the Planning Board decision was conducted by superior court. Whether the PB's decision was consistent with town ordinances would be reviewed and ultimately determined by a judge. It was the opinion of Mr. Hermans that the cases could be heard and decided within six months. Mr. Lagassa asked whether or not operations would continue during the appeal process. Mr. Hermans explained that continued operations might not necessarily be allowed. If the court issues a stay then while such a stay is in effect the applicant cannot act upon planning board approvals. Therefore, approvals granted by the planning board such as site plan, hours and days of operation and screening times may be subject to the stay. Whether the pile of dirt can remain on site, or be moved is more questionable. Several abutters in attendance asked about the operation times for the equipment being used on the site. Mr. Hermans explained that the ZBA limited the number of days and hours of operation for the screening equipment, but did not limit the hours of operation for trucks and loaders. Several abutters voiced their objections over the type of operation being conducted on 187 Lafayette Road.

State Mandated Assessing Certification for North Hampton

Department of Revenue Administration – discussion of the new certification process

Ms. Mary Jane Souther addressed the Board concerning the issue of State certification for the town's assessing function. Ms. Souther noted that the legislature had passed legislation in response to the Coalition Communities challenge to the statewide property tax, to rectify the disparity in assessing practices employed by differing communities. The Town is slated for certification in 2003, which means that all North Hampton properties will have to be revalued via a statistical update based upon sales data. Statistical measures that are used in the certification process include COD (coefficient of dispersion), which is the most commonly used statistical measure of assessing uniformity across differing classes of property. Another statistical measure that will be used is the PRD (price related differential), which seeks to measure the difference between assessments of expensive and inexpensive properties. Ms. Souther also noted that another component of certification requires that town physically inventory approximately 20% of all properties every year. This involves having an assessor physically visiting the property and re-measuring building size and so on. The Board thanked Ms. Souther for her briefing. Ms. Souther apologized for her nervousness. Those in attendance provided a round of applause for the presentation.

Mosquito Control Program

Review of this year's program and next year's goals

Mr. Michael Morrison briefed the Board and those in attendance about the year's mosquito control activities. Mr. Morrison noted that there was a good deal of mapping that was accomplished and that much of North Hampton's topology was characterized as low in elevation which was natural given its location to the ocean. It was explained that the year was a dry one due to a lack of rainfall. Subsequently, the number of mosquitoes was lower what could normally be expected. Nevertheless, the numbers of salt marsh mosquitoes was still a little high. Mr. Morrison noted that he and Ted Diers, from the Office of State Planning, were scheduled to walk the Little River Salt Marsh to see what could be done to alleviate the salt marsh mosquito problem. Mr. Morrison noted that next year's program would be similar to this year's and that he had now only to apply to the State for North Hampton's permit for larviciding and adulting. The Board thanked Mr. Morrison for his work and expressed their desire to work with Mr. Morrison next year.

Selectmen Issues

Ms. Landman noted that the meeting had begun with the "Pledge of Allegiance" and that she felt strongly about the "liberty for all" portion.. Ms. Landman explained that she discovered a private investigator parked across the street from her house the day before, and, believing that she and her husband were under surveillance, found it troubling. Police Chief Brian Page addressed those in attendance both in regards to Ms. Landman's statement as well as the widely circulated broadcast email of the Landman's, which suggested that he and the Town Administrator were behind the surveillance and subsequent tip-off of the PI that the Landman's knew of his presence and were going to confront him. Mr. Page further noted that a complaint against himself had been filed with the Attorney General's office in regards to the private investigator issue. Mr. Page noted that over 60 town residents had been arrested during the year and that not one of them had ever characterized their arrests as politically motivated. Mr. Page noted that if Mr. & Mrs. Landman believed that the PI had been tipped off as to when to leave, the town's phone records were available for review to verify such allegations. Mr. Page noted that PI's routinely work in North Hampton on cases such as worker compensation, insurance claims, divorce proceeding and so on. PI's are required to keep their license on file with the local police department and to notify the local PD's when they are working in town. They are, however, not required to inform the police department about the nature of their investigation. The AG's office had, in response to the Landman's complaint called the PI to verify what issue the PI was investigating. The AG's office had learned that the PI was investigating a workers compensation claim and that the Landman's were in no way involved. Mr. Page explained that the AG's office had called the Landman's home and left a message to that effect. Much acrimonious debate ensued.

Review of BAN bids (\$180,000) for North Hampton Forever program

The TA noted that BAN bids were sent to three pre-qualified banks recommended by the New Hampshire Municipal Bond Bank. The bid results are listed below.

Bank	Rate
Bank of New Hampshire	2.63%
Citizens Bank	2.89%
First Colebrook Bank	3.10%

The TA explained that the BAN is scheduled to be issued on January 4th, 2002. Ms. Landman made the motion to accept the bid from Bank of New Hampshire at 2.63%. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Rockingham Planning Commission Appointment

The Board discussed the appointment noting that Mr. Carlson's appointment had expired in December of 2000 so that this appointment was indeed a new one. It was agreed that the appointment schedule should be arranged so that expiration of appointments fell in the month of March. Mr. Sullivan nominated Mr. Roland Neves to be the North Hampton representative to the RPC noting that the expiration of his term would be in March 2004. Mr. Lagassa seconded the motion. **The vote was yes 2 / abstain 1.** Mr. Neves was appointed as an RPC Commissioner. (Messers. Sullivan & Lagassa voting yes / Ms. Landman abstaining)

Conservation Commission Appointment

Mr. Sullivan made the motion to appoint Mr. Charles Gordon as an alternate member to the Conservation Commission (term to expire in March 2004). Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Discussion of TRASH funding request (\$2,000) **Tabled**

Discussion of the process of Temporary ZBA Appointments

Mr. Sullivan noted that he had received a legal opinion from Town Counsel concerning the method of appointing temporary members to the Zoning Board to be incorrect. The Board of Selectmen has for many years appointed temporary members to the Zoning Board when regular members had a conflict of interest or when there was a lack of available members to constitute a quorum. As the appointing authority the Board polled each via telephone (usually due to shortness of notice) to determine an appointment rather than appointing a member during a scheduled public meeting, which is a violation of the right to know law. Ms. Landman stated that she was called "as a courtesy call" after the decision had been made by two confirming votes. The NHMA had verbally stated, prior to the ZBA meeting, that this did not allow debate on the issue. Mr. Lagassa noted that Mr. Iafolla (ZBA Chair) as a rule informs all of the applicants that the sitting "temporary" alternates have been appointed by the Board of Selectmen for the one meeting. The applicants are given the opportunity to continue or reschedule. All votes were unanimous during the last ZBA meeting. Ms. Landman also noted that three regular members were present which constituted a majority of the regular membership and that all votes taken that evening were unanimous. However, Ms. Landman noted that she had received an opinion from the NHMA legal department, which suggested that temporary appointments were not allowed under the statute. It was noted that the other Board members did not receive the NHMA opinion. The Town Attorney and the Town Office were cc'd. Mr. Lagassa agreed that the opinion may be well reasoned but did nothing to solve the current problem and without some remedy as suggested by Town Counsel all previous actions by the ZBA using temporary appointments would become invalid. Therefore, Mr. Lagassa made the motion to accept the recommendation of Town Counsel and voted that the findings of the Board of Selectmen were that the appointment of the two alternates by telephone poll, instead of a vote taken at a noticed public meeting did not prejudice the rights of the public sufficient to justify invalidation of those appointments. Mr. Sullivan seconded the motion. **The vote carried yes 2 / no 1.** (Messers. Lagassa & Sullivan voting yes / Ms. Landman voting no)

Review Default Budget & Warrant Articles

Due to the lateness of the hour these items were postponed until the next meeting.

Mr. Lagassa explained that the Pay As You Throw program was coming along very well and that he the Solid Waste Committee had prepared a newsletter on the subject that was ready for mailing to Town residents. Mr. Lagassa made the motion to approve expenditures associated with copying and mailing the newsletter to North Hampton residents. Mr. Sullivan seconded the motion. The vote was unanimous and so moved.

Selectmen's Minutes
12 December 2001
7:00pm

The Board briefly discussed contracting with Joe Kenick to review inspections at 80 South Road. Mr. Sullivan made the motion to contract with Mr. Kenick for the review. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Questions & Comments

There being none the meeting moved to business and administration.

Administration/Business

- a. Minutes - November 26th, 2001
- b. Payroll
- c. Manifest
- d. Veterans Exemption - (Ray Mattucci / Andrew Hart / Glenn Miller)
- e. Elderly Exemption – David Chevalier Ed Jewel
- f. Abatement (Hardship Relief) Anna Small (\$750.63)
- g. Abatement (Glen Martin Legal Settlement) 4981.32
- h. DRA – 2001 Equalization Assessment Sheet Certificate
- i. **Primex – Renewal & Rate Lock**

The TA explained that the Town had the opportunity of extending its worker's compensation coverage for an additional year and lock-in to existing rates. The Board agreed with the offer and directed the TA to complete the necessary paperwork.

- j. Coakley Minutes
- k. Nursing Home Data
- l. AT&T – New Programming

Adjournment

There being no further business to come before the Board the meeting adjourned at approximately 9:40pm. Mr. Lagassa made the motion to convene in non-public session under RSA 91-A:3 II (e) to discuss pending claims and litigation involving a current use tax appeal. Mr. Sullivan seconded the motion. The vote was unanimous and so moved.

Respectfully,

Russell McAllister
Town Administrator